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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,500	03/30/2000	Brian Philip Mathews	30566.80USU1	8400

22462 7590 03/22/2004

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EXAMINER

GARCIA OTERO, EDUARDO

ART UNIT	PAPER NUMBER.
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2123

DATE MAILED: 03/22/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/539,500

Applicant(s)

MATHEWS ET AL.

Examiner

Eduardo Garcia-Otero

Art Unit

2123

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-15.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Attachment

Regarding 09/539,500.

Applicant Remarks page 7 asserts that Schumaker's AutoCAD "is simply a client-based program that is not operated on a network", and asserts that "The claim specifically provides that the component is an information extraction server component".

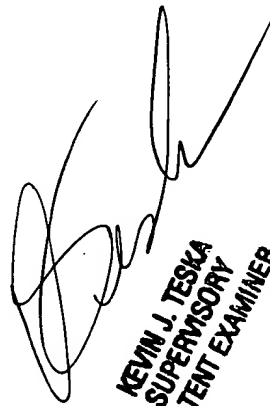
However, note that the pending rejection for claim 1 is made based upon three prior arts: Schumaker and Walker and Derfler. Specifically, Walker and Derfler disclose the limitations regarding "server". Further, as the Examiner previously noted, Schumaker's AutoCAD is explicitly described as operating in an Internet environment, and Shumaker even contains Chapter 15 titled "AutoCAD and the Internet".

Applicant Remarks page 8 asserts that "neither Shumaker nor Walker were designed or implemented as a server-based program. To provide a server-based program, communications mechanisms and security mechanisms unique to the server/network-based environment must be provided. In this regard, to state that there is nothing unique about implementing a client-based application into a server based application is completely without merit..."

The Examiner maintains that one of ordinary skill in the art is enabled to implement (and motivated to obviously combine) Shumaker's AutoCAD as a "specific facility" (using IEEE terminology from the IEEE definition of "server") in Derfler's server. In other words, merely broadly placing a client-based program into a server is not invention.

Further, the Examiner agrees that it is possible that certain additional functionality or special techniques used in placing a client-based program into a server may be novel or non-obvious. However, none of the pending claims contain novel limitations, and none of the pending claims contain non-obvious combinations of limitations.

Thus, all pending rejections are maintained.



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